

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Uhlig, LLC,
Plaintiff,
vs.
John Adam Shirley, et al.,
Defendants.

Civil Action No. 6:08-1208-HFF-WMC

O R D E R

Previously, this court issued a preliminary injunction. The injunction was sealed by this court and was not to be disseminated to any third party whether a current or potential customer of either party, or used by either party to disparage one another or in any way used to compete. Since that order was accepted by the court, the plaintiff filed a motion to unseal the order, to which defendant Shirley objects. Having reviewed the extensive briefing and having heard arguments by counsel, the court will allow the following provisions to be filed publicly. The preliminary injunction previously issued in this matter is to remain under seal.

Defendant Shirley is enjoined as follows:

1. Defendant Shirley and his newly-formed company, Prism Content Solutions, LLC, are entitled to fairly compete with Uhlig, LLC.
2. In the course of generating business for Prism Content Solutions, LLC, defendant Shirley may not solicit the customers of Cox Custom Media and/or Uhlig, LLC, for which he took the information that is at issue in this case, however, defendant Shirley may continue to service the accounts he has already engaged prior to the issuance of the injunction on August 5, 2008. While defendant Shirley is prohibited from soliciting business from these particular customers, he is not prohibited from receiving such business should customers of Cox CustomMedia and/or Uhlig, LLC, contact him for service.

3. In dealing with his current customers or former customers of Cox CustomMedia and/or Uhlig, LLC, who may come to him in the future for service, defendant Shirley is entitled to use any information that was or could be supplied by the customers or prospects of Cox Custom Media and/or Uhlig, LLC, with the exception of any trade secrets as defined in South Carolina Code Ann. § 39-8-20(5).

IT IS SO ORDERED.

s/William M. Catoe
United States Magistrate Judge

November 26, 2008

Greenville, South Carolina